

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Agenda November 13, 2014 7:00 P.M.

Call to Order-

Roll Call-

Invocation given by Marbelys Fatjo, Acting City Clerk

Pledge of Allegiance led by Councilman Paul Hernandez

Meeting Guidelines

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations –

- Perla Tabares Hantman, Chairwoman, District 4, the School Board of Miami-Dade County addresses the Mayor and City Council regarding school board related matters.
 - Mayor Carlos Hernandez recognizes Eduardo J. Perez, a Police Officer recently hired by the Hialeah Police Department who has been sworn-in to duty.
1. Election of Council President and Council Vice President pursuant to §3.01 (c) of the Hialeah City Charter.

2. Announcement of Amendments/Corrections to the Agenda –**3. Consent Agenda-**

All items listed with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

- A.** Request permission to approve the Summary Agenda/Minutes of the City of Hialeah Council Meeting held on October 28, 2014. (OFFICE OF THE CITY CLERK)
- B.** Request to cancel the City Council meeting of December 23, 2014 in observance of the Christmas holiday. (OFFICE OF THE CITY CLERK)
- C.** Proposed resolution supporting Miami-Dade County's legislative initiative to urge the United States Congress to enact legislation that would allow states and local governments, including Miami-Dade County, to prohibit contracting with entities doing business with, or funded by, state sponsors of terrorism; and urging all federal, state and local officials to join in their support. (ADMINISTRATION)
- D.** Request permission to award Hialeah Bid # 2013/14-3230-00-023 – Cultural Park – Picket Fence and Gates, to Paldama Investment, Inc. d/b/a Island Fence of Dade, lowest responsive bidder, in a total cumulative amount not to exceed \$35,000. (CONSTRUCTION & MAINTENANCE DEPT.)
- E.** Request permission to award Hialeah Bid # 2014/15-3230-00-020 – Cultural Park – Landscaping, to VisualScape, Inc., sole responsive bidder, in a total cumulative amount not to exceed \$545,340. (CONSTRUCTION & MAINTENANCE DEPT.)
- F.** Proposed resolution approving a Professional Services Agreement with Inphynet Contracting Services, Inc. for a term of three years, commencing on October 1, 2014 and ending on September 30, 2017, and for professional services from Frederick Michael Keroff, M.D., FACEP, as medical director of Hialeah Fire Department and advanced life support provider, in an annual amount not to exceed \$60,000.00, payable at a monthly rate of \$5,000.00, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Professional Services Agreement attached hereto and made a part hereof as Exhibit "1". (FIRE DEPT.)
- G.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue two purchase orders to KRONOS, Inc., for costs to be paid in association with outstanding invoices for the 2014-2015 fiscal year for the service of webstaff access to Administrative Staffing (Tele-Staff) functions through the internet for Fire Operations, with one purchase order being in the amount of \$14,567.92 and the other in the amount of \$3,067.20, for a total cumulative expense amount not to exceed \$17,635.12. (FIRE DEPT.)

- H.** Proposed resolution approving the expenditure totaling an amount not to exceed twenty nine thousand dollars (\$29,000) from the Law Enforcement Trust Fund – *State*, to purchase two (2) canines for the Hialeah Police Department Canine Unit from Metro-Dade K-9 Services, lowest quoted vendor, upon such costs having been approved by the Chief of Police. (POLICE DEPT.)
- I.** Request permission to utilize State of Florida Contract # 445-001-11-1, and issue a purchase order to W.W. Grainger Inc., to purchase hand held power tools and other hardware supplies for citywide use, in a total cumulative amount not to exceed \$80,000. (PURCHASING DIV.)
- J.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Lowe's Home Improvement, LLC, in a total cumulative amount not to exceed \$40,000, and a purchase order to Maga Hardware Distributors Inc., in an amount not to exceed \$40,000, both to purchase operational supplies for citywide use. (PURCHASING DEPT.)
- K.** Request permission to award Hialeah Bid # 2014/15-8500-12-088 – Janitorial Supplies, to East Continental Supplies, LLC, lowest responsive bidder, in a total cumulative amount not to exceed \$175,000 for fiscal year 2014-2015, to be allocated through various City departments for the procurement of janitorial supplies. (PURCHASING DEPT.)
- L.** Request permission to issue a purchase order to General Mow, LLC, formerly known as Groundskeepers, Inc., one of the seven companies approved by the City Council on May 8, 2012 as a qualified grounds maintenance company in response to Request for Qualifications # 2011/12-3210-12-010, for the right of way maintenance of Sector 2, in a total cumulative amount not to exceed \$79,000. (STREETS DEPT.)
- M.** Request permission to issue a purchase order to Mystic Gardens Lawn Contractors Inc., one of the seven companies approved by the City Council on May 8, 2012 as a qualified grounds maintenance company in response to Request for Qualifications # 2011/12-3210-12-010, for the right of way maintenance of Sector 5, in a total cumulative amount not to exceed \$66,590. (STREETS DEPT.)
- N.** Request permission to issue a purchase order to VisualScape, Inc., one of the seven companies approved by the City Council on May 8, 2012 as a qualified grounds maintenance company in response to Request for Qualifications # 2011/12-3210-12-010, for the right of way maintenance of Sector 4, in a total cumulative amount not to exceed \$114,900. (STREETS DEPT.)
- O.** Request permission to issue a purchase order to VisualScape, Inc., one of the seven companies approved by the City Council on May 8, 2012 as a qualified grounds maintenance company in response to Request for Qualifications # 2011/12-3210-12-010, for the right of way maintenance of Sector 3, in the amount of \$76,198 in addition to \$7,800 for additional services, in a total cumulative amount not to exceed \$83,998. (STREETS DEPT.)

- P.** Request permission to issue a purchase order to SRS Engineering, Inc., one of the twelve firms approved by the City Council on June 8, 2010 in response to Request for Qualifications # 2009/10-9500-00-007, for city engineering services, for roadway and drainage design services for West 16 Avenue between West 68 Street and West 77 Street, in a total cumulative amount not to exceed \$109,500. (STREETS DEPT.)
- Q.** Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City of Hialeah, to execute a Turf and Landscape Maintenance Joint Participation Agreement with the State of Florida, Department of Transportation, for the maintenance of turf and landscape on designated State Roads within the corporate limits of the City of Hialeah, for the term of one year and with an option to renew, in an amount not to exceed \$142,867.53, in substantial conformity with the agreement attached hereto and made a part hereof as Exhibit "1". (STREETS DEPT.)
- 4.** Second reading and public hearing of proposed ordinance amending Chapter 70 entitled "Retirement and Pension", Article IV. Employees General Retirement System, Division 1. generally of the Code of Ordinances and in particular, revising Hialeah Code § 70-204 entitled "Termination of Membership; Effect of Reemployment" to allow for retroactive application of the right to restoration of credited service upon reemployment within ten years from the date of severance to any member reemployed on or after January 1, 2012; repealing all ordinances in conflict herewith; providing for penalties; providing for inclusion in the code; providing for a severability clause and providing for an effective date. (ADMINISTRATION)

Item was approved on first reading during the City Council Meeting of October 28, 2014.

- 5.** First reading of proposed ordinance amending Chapter 98 entitled "Zoning" of the Code of Ordinances and in particular amending Hialeah Code § 98-2122 entitled "Electric Fences" creating an exception from the prohibition for property in districts zoned Industrial (M); providing for height, a perimeter non-electrically charged fence surrounding the electric fence, warning signs and other restrictions applicable to electric fences; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause; and providing for an effective date. (ADMINISTRATION)

Item was heard on first reading during the Council Meeting of October 28, 2014, but no vote was taken on the item as it was agreed that the proposed ordinance would be amended.

Item was withdrawn from the City Council Meeting agenda of October 14, 2014.

Item was approved by the Planning and Zoning Board on October 8, 2014.

- 6.** Armando Vidal, Director of Public Works, City of Hialeah, hosts a presentation regarding the status of the finances of the solid waste program.
- 7.** Pursuant to Section 2-815.1 of the City of Hialeah Code, Javier Vazquez, Esq., with the Law Office of Berger Singerman LLP, in representation of Southern Waste Systems, LLC, protests to the City Council a decision of the City's Evaluation and Selection

Committee selecting the companies qualified to provide solid waste collection services to the City in response to City of Hialeah Request for Qualifications No. 2013/14-9500-00-008.

- Alfredo L. Gonzalez, Esq., with the Law Office of Genovese, Joblove & Battista, P.A., in representation of Waste Management Inc. of Florida, has requested to **intervene** in said protest for purposes of presenting to the City Council their position on the issues under consideration in the protest proceedings.
 - Robert J. Stovach, Esq., with the Law Office of Stovash, Case, Tingley, in representation of Waste Pro of Florida, Inc., has requested to **intervene** in said protest for purposes of presenting to the City Council their position on the issues under consideration in the protest proceedings.
8. Pursuant to Section 2-815.1 of the City of Hialeah Code, Felix Lasarte, Esq., with the Lasarte Law Firm, in representation of World Waste Recycling, Inc., protests to the City Council a decision of the City's Evaluation and Selection Committee selecting the companies qualified to provide solid waste collection services to the City in response to City of Hialeah Request for Qualifications No. 2013/14-9500-00-008.
- Alfredo L. Gonzalez, Esq., with the Law Office of Genovese, Joblove & Battista, P.A., in representation of Waste Management Inc. of Florida has requested to **intervene** in said protest for purposes of presenting to the City Council, their position on the issues under consideration.
 - Robert J. Stovach, Esq., with the Law Office of Stovash, Case, Tingley, in representation of Waste Pro of Florida, Inc., has requested to **intervene** in said protest for purposes of presenting to the City Council, their position on the issues under consideration in the protest proceedings.
9. Pursuant to Section 2.01 of the City's Charter, Mayor Hernandez appoints Ricardo Suarez, subject to civil service rules and regulations, to the position of Chief Information Officer. (ADMINISTRATION)

Item was approved by the Personnel Board on November 3, 2014.

10. Pursuant to Section 2.01 of the City's Charter, Mayor Hernandez appoints Ruben Suarez, subject to civil service rules and regulations, to the position of Occupational License Official. (ADMINISTRATION)

Item was approved by the Personnel Board on November 3, 2014.

11. Pursuant to Section 2.01 of the City's Charter, Mayor Hernandez appoints Marbelys Fatjo, subject to civil service rules and regulations, to the position of City Clerk. (ADMINISTRATION)

Item was approved by the Personnel Board on November 3, 2014.

12. Board Appointments –

- a. Re-appointment by Councilman Jose Caragol of Nilda Donahue to the Veterans Affairs Board, for a two year term commencing on November 16, 2014 and ending on November 16, 2016. (COUNCILMAN CARAGOL)
- b. Proposed resolution appointing Armando Vidal as a member of the Defined Contribution Plan Committee, as the Mayor's appointment. (MAYOR HERNANDEZ)
- c. Proposed resolution appointing Hillah Sara Mendez as a member of the Defined Contribution Plan Committee, as the Mayor's appointment. (MAYOR HERNANDEZ)
- d. Proposed resolution appointing Ines Beecher as a member of the Defined Contribution Plan Committee, as the Mayor's appointment. (MAYOR HERNANDEZ)
- e. Proposed resolution appointing Robert Lloyd Still as a member of the Defined Contribution Plan Committee, as the Mayor's appointment. (MAYOR HERNANDEZ)
- f. Proposed resolution appointing Ricardo Fernandez as a member of the Defined Contribution Plan Committee, as the Police Benevolent Association (PBA) appointment. (PBA)
- g. Proposed resolution appointing Willians Guerra as a member of the Defined Contribution Plan Committee, as the International Association of Fire Fighters (IAFF) appointment. (IAFF)
- h. Proposed resolution appointing Yrama Medina as a member of the Defined Contribution Plan Committee, as the American Federation of State, County and Municipal Employees (AFSCME) appointment. (AFSCME)

13. Unfinished Business –**14. New Business –****15. Comments and Questions -**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

ZONING

PZ 1. Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a beauty school (vocational school) with a total maximum occupancy of 45 persons at any time the school is in operation, inclusive of students, staff, instructors, employees and guests, pursuant to Hialeah Code §98-181(2)i, on property zoned C-2 (Liberal Retail Commercial District). **Property located at 5090 West 12 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: G & D Properties LLC – Gladys Martinez; Registered Lobbyist: Jorge Lastayo*)

<i>Item was approved on first reading during the City Council Meeting of October 28, 2014.</i>
<i>Item was approved by the Planning and Zoning Board on October 22, 2014 with the condition that the maximum occupancy be limited to 45 persons.</i>

NEXT CITY COUNCIL MEETING: Thursday, November 25, 2014 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: November 25, 2014 at 6:30 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).